

PB# 89-17

**HUDSON VALLEY VET HOSPITAL
WITHDRAWN**

SBL 47-1-1

HUDSON VALLEY VETERINARY HOSP. #89-17
SITE PLAN

Withdrawn 11-3-89

Oxford®

TOWN OF NEW WINDSOR		General Receipt		10507
555 Union Avenue New Windsor, N. Y. 12550		April 26, 1989		
Received of		Pauline G. Townsend Town Clerk 750.00		
		Seven Hundred Fifty and 00/100 DOLLARS		
For		Hudson Valley Veterinary Hospital Site Plan 89-17 Planning Board		
DISTRIBUTION		By Susan Zappalo		
FUND	CODE	AMOUNT		Deputy Comptroller Title
CK # 1311		750.00		

Williamson Law Book Co., Rochester, N. Y. 14609

TOWN OF NEW WINDSOR		General Receipt		10380
555 Union Avenue New Windsor, N. Y. 12550		March 10, 1989		
Received of		Drew A. Kartiganer \$ 25.00		
		Twenty-five and 00/100 DOLLARS		
For		Application Fee Planning Board		
DISTRIBUTION		By Pauline G. Townsend		
FUND	CODE	AMOUNT		Town Clerk Title
CK # 1533		25.00		

Williamson Law Book Co., Rochester, N. Y. 14609

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 11/03/89

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW ACCOUNT

FOR PROJECT NUMBER: 89-17

NAME: HUDSON VALLEY VETERINARY HOSPITAL
APPLICANT: MARTINISI, V.J.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
04/26/89	SITE PLAN DEPOSIT	PAID		750.00	
09/18/89	ENGINEERING FEE	CHG	57.50		
11/03/89	GAVE TO L.R. FOR REF	CHG	692.50		
			-----	-----	-----
		TOTAL:	750.00	750.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/26/89

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW ACCOUNT

FOR PROJECT NUMBER: 89-17

NAME: HUDSON VALLEY VETERINARY HOSPITAL

APPLICANT: MARTINISI, V.J.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
04/26/89	SITE PLAN DEPOSIT	PAID		750.00	
09/18/89	ENGINEERING FEE	CHG	57.50		
			-----	-----	-----
		TOTAL:	57.50	750.00	-692.50

Please send check in the
above amount (\$692.50) and
attached letter to:

Hudson Valley Veterinary Hospital
432 Blooming Grove Tpk.
New Windsor, N.Y. 12550

Gave to Larry Reis 11/3/89 @



1763

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK

October 27, 1989

NN21975

Hudson Valley Veterinary Hospital
VJ Martinisi, D.V.M.
430 Blooming Grove Turnpike
New Windsor, New York 12550

RE: Planning Board Application No. 89-17

Dear Ms. Martinisi:

Enclosed is a check in the sum of \$692.50 representing a partial refund of your escrow deposit on the above application. \$57.50 has been charged against the account for engineering review.

Your characterization of the May 10, 1989 Planning Board meeting is not quite accurate, however. Since a veterinary hospital is not a permitted use under the relevant zoning regulations, the Planning Board was required to refer the matter to the Zoning Board of Appeals. Not having conducted a site visit at that time, the Planning Board was unable to make any recommendation one way or another to the Zoning Board.

You have apparently chosen not to apply to the Zoning Board for a variance. Nothing said or done by the Planning Board was meant to inhibit your right to seek a zoning variance, if you were so disposed.

In the event you wish to re-apply, you are, of course, free to do so.

Very truly yours,

JOSEPH P. RONES

Attorney for the Planning Board

JPR:mb

Hudson Valley Veterinary Hospital

V. J. MARTINISI, D.V.M.

432 Blooming Grove Tpke.
New Windsor, New York 12550

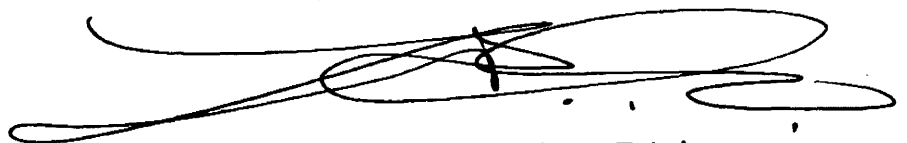
(914) 561-2626

Sept 19, 1989

Dear Mr. Babcock,

Pursuant to the town's requirement for the Board of Engineering reviews of my application and site plan for any necessary variances and delineation of the town's criteria which I was to meet before opening a veterinary hospital at 339 Blooming Grove Tpke (corner Rt 44/Corson's Lane), I deposited a check with you in the amount of \$750.00. As you are most likely aware, there was a preliminary meeting before the Town Board (Planning) on May 10, 1989. At this meeting I was explicitly discouraged from even pursuing my goal at that location. No engineering review or, as far as I have been informed, any other services were performed in relation to my application. Since I now do not intend to further pursue the subject application I therefore am requesting from you a return of my unused deposit. Please send this as soon as possible to the above address. Thank you for your consideration + prompt attention to this matter.

Sincerely,



V. J. Martinisi D.V.M.

Received
9/29/89

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/22/89

PAGE: 1

LISTING OF PLANNING BOARD FEES
MUNICIPAL CHARGES

FOR PROJECT NUMBER: 89-17

NAME: HUDSON VALLEY VETERINARY HOSPITAL

APPLICANT: MARTINISI, V.J.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
03/10/89	APPLICATION FEE	CHG	25.00		
03/10/89	APPLICATION FEE	PAID		25.00	
			-----	-----	-----
		TOTAL:	25.00	25.00	0.00

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 08/22/89

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW ACCOUNT

FOR PROJECT NUMBER: 89-17

NAME: HUDSON VALLEY VETERINARY HOSPITAL

APPLICANT: MARTINISI, V.J.

--DATE--	DESCRIPTION-----	TRANS	AMT-CHG	AMT-PAID	BAL-DUE
04/26/89	SITE PLAN DEPOSIT	PAID		750.00	
			-----	-----	-----
		TOTAL:	0.00	750.00	-750.00

HUDSON VALLEY VETERINARY SITE PLAN (89-17) ROUTE 94

Ms. Nancy Sneider and Drew Kartiganer came before the Board representing this proposal.

Mr. Kartiganer: What we are applying for, Dr. Martinisi wants to purchase property at 3039 Blooming Grove Turnpike which is the corner of Ceasar's Lane and Route 94 and the reason we are here is she wants to use it as a veterinary hospital. One of the uses that is a requirement for her to operate the veterinary hospital is she has to board animals which puts us into the requirement of conforming to boarding animals and a variety of other requirements. The reason we are here today I have led to believe that we have to apply for and get approval for a veterinary kennel if we are going to use this site. She just wants to have a veterinary hospital. She is not going to end up boarding animals as a profit center or anything like that. The only reason she is boarding animals, when she treats them, they have to stay over for a period of time and then releases them to the clients. This is our first step because basically in order to conform to all these things, we have a series of variances, special permits and site plan approvals that have to go through. What we are looking to get today is denial for the use so we can go to the Zoning Board of Appeals to get the variances that are listed. We can get into further detail what Dr. Martinisi wants to do is purchase the property and move her veterinary hospital into it. She is ready to make, meet a series of very restrictive statements regarding how often the animals will be there, number of animals, where they are boarded and there will be no outdoor runs. There is going to be less than, I believe, ten animals boarded at a time. The only reason she is boarding the animals, when she treats them, she wants to keep them close by to observe them. It is in essence a veterinary hospital, would be a professional use but the moment she boards animals, she has to conform to this series of things.

Mr. McCarville: Will someone be residing there as well.

Mr. Kartiganer: No, it is in a PI zone now.

Mr. VanLeeuwen: I think we should go look at it.

Mr. Soukup: The animals will be left alone 12 hours a day.

Ms. Sneider: They are left there in the evening but they work eight hours, it wouldn't be 12 hours, it may be 10.

Mr. Soukup: I have no problem voting on this tonight. I see a minimum requirement of 10 acres. I see a proposed use in a zone that doesn't allow it. I think it is putting too much on this site. My feeling is against it without variances.

Mr. VanLeeuwen: I'd like to take a look at it before we send it to the Zoning Board of Appeals but we have to give a recommendation.

Mr. Soukup: I make a motion for site plan approval.

Mr. Schiefer: The two gentlemen would like to take a look at it before they send it to the Zoning Board of Appeals.

Mr. VanLeeuwen: Before I say right or wrong, I want to see it.

Mr. Soukup: You can actually consider allowing a half acre veterinary hospital in a residential neighborhood. I find that to be ludicrous.

Mr. Jones: She doesn't board dogs there.

Mr. Pagano: Either way, we are going to have to vote yes or no so regardless of which way.

Mr. VanLeeuwen: I don't mind taking a vote tonight but then I want to send it to the Zoning Board of Appeals without any comments, put down no comments.

Ms. Sneider: The terminology of boarding animals is slightly inaccurate here even though we are using it, these animals may have an operation or they or hospitalized over night for observation or for any particular kind of care where they have to be, to have to remain there. It is as if we went into the hospital, we'd have to stay a day or two. It is not a boarding kennel. People don't go on vacation and leave their animals there. It is a question of an incidental use.

Mr. VanLeeuwen: What if they start barking all night, then we have a problem.

Mr. Kartiganer: There are a series of restrictions that Dr. Martinisi has agreed to; #1, the animals would be kept inside in the basement area. Number 2, soundproofing built into the building and the animals will not be outdoors in terms of boarding. Number 4, she has agreed to limit the number of animals that would be kept there and also the weight.

Ms. Sneider: We gave you the maximum on this as of now, the average boarding or hospitalization is maybe two or three animals at a time. It is an extremely, if we say ten, I don't think it may reach that.

Mr. Kartiganer: Basically, the number of animals we are talking about would be--

Mr. VanLeeuwen: We have to give this a special use permit and we have to have a public hearing.

Mr. Schiefer: We will not approve it. Should we send it to the Zoning Board of Appeals with or without comments.

Mr. Soukup: I make a motion to approve.

Mr. Pagano: I second it.

Mr. McCarville: Where is the doctor's business located now.

Ms. Sneider: By the Post Office

Mr. McCarville: Ever any consideration give to site plans when that was put in there.

Ms. Sneider: I don't believe so.

Mr. McCarville: Three or four years.

Ms. Sneider: I don't believe so.

Mr. McCarville: How long has the vet been there?

Ms. Sneider: Five years.

Mr. VanLeeuwen: She is in there illegally too.

Mr. McCarville: That is the point, I always question that everytime I go to the Post Office but--

Mr. VanLeeuwen: I want to go look at it.

Mr. McCarville: What is the vote say.

Mr. Schiefer: Motion made and seconded we approve the Hudson Valley Veterinary Site Plan.

ROLL CALL:

Mr. McCarville	No
Mr. VanLeeuwen	No
Mr. Pagano	No
Mr. Soukup	No
Mr. Lander	No
Mr. Jones	No
Mr. Schiefer	No

Mr. Schiefer: That means that you definitely unless there is a variance issued in the meantime, if you want to, we can go down and take a look at it so that is basically what you wanted, right.

Mr. Kartiganer: We'd like to get a recommendation just for the record.

Mr. VanLeeuwen: We can't give that recommendation until we look at it. I am not going to give a recommendation until I look at it. That wouldn't be fair to you and to the Zoning Board of Appeals.

Mr. Kartiganer: We appreciate that. No problem.

Mr. Schiefer: I think if a recommendation came out now based on what I am hearing, would be negative.

Ms. Sneider: We are trying to get an idea of whether it is worth it for her to pursue it or for you to say forget it, there is no chance.

Mr. Soukup: It is your choice to go to the Zoning Board of Appeals,

5-10-89

I can tell you I vote against the site plan because I don't think the use is appropriate in that zone.

Mr. McCarville: I agree with you.

Mr. Schiefer: The Zoning Board of Appeals is going to have to determine that part of it. Thank you.



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

PROJECT NAME: Hudson Valley Veterinary Hospital
PROJECT LOCATION: Route 94 and Caesar's Lane
PROJECT NUMBER: 89-17
DATE: 10 May 1989

1. The Applicants have submitted an application and plan for the development of a veterinary hospital on the .45 +/- acre parcel located at the corner of Route 94 and Caesar's Lane.
2. The Board should confirm that it is their position that such use would be considered, in their opinion, a commercial dog or veterinary kennel, and would, therefore, require necessary variances since the lot is not consistent with the bulk regulations associated with such use, and the use is not a "use by right" or "by special permit" under the PO Zone.
3. The following "conceptual" comments are provided based on a "sketch" review of the plan;
 - a. The Zoning Board of Appeals should confirm the area/bulk requirements applicable to the proposed use. The Applicant indicates a front yard setback from the PO Zone, which is associated with one-family dwellings and professional offices (as well as some other secondary uses).
 - b. If these assumptions are incorrect, additional variances may be required beyond the use variance which appears necessary.
 - c. The zone boundary line appears to be shown in an incorrect location.
 - d. The Planning Board should note that this development would border on a residential zone. My understanding of the ordinance is that a "buffer" from this use to the residential zone would be required.

TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS

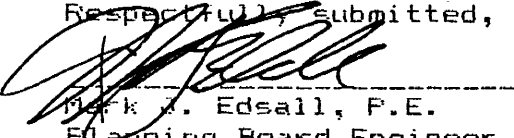
PROJECT NAME: Hudson Valley Veterinary Hospital
PROJECT LOCATION: Route 94 and Caesar's Lane
PROJECT NUMBER: 89-17
DATE: 10 May 1989

-2-

e. If animals are to be boarded, where are the outside "runs"?

4. At such time that the Applicants have obtained all necessary variances from the Zoning Board of Appeals and the Application is brought back to the Planning Board for review, I will make a further detailed review and provide additional comments, as necessary.

Respectfully submitted,



Mark A. Edsall, P.E.
Planning Board Engineer

MJEnje

vet

	Initials	Date
Prepared By	<i>AM</i>	
Approved By		

89 - 17

Hudson Valley Veterinary Hosp.
Site Plan

4/28/89		1		2		3		4	
Date	Description	Received		Disbursed		Balance To Date			
1	4 26 Check #1311	75000				75000			
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Site Plan fee: \$750.00



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

45 QUASSAICK AVE. (ROUTE 9W)
NEW WINDSOR, NEW YORK 12550

TELEPHONE (914) 562-8640
PORT JERVIS (914) 856-5600

RICHARD D. McGOEY, P.E.
WILLIAM J. HAUSER, P.E.
MARK J. EDSALL, P.E.

Licensed in New York,
New Jersey and Pennsylvania

9 May 1989

Drew A. Kartiganer
555 Blooming Grove Tpk.
Newburgh, N. Y. 12550

Subject: Martinisi Veterinary Clinic
Rt. 94 & Caesars La.

Dear Mr. Kartiganer:

I am in receipt of your memorandum of 22 March 1989
with regard to the subject project.

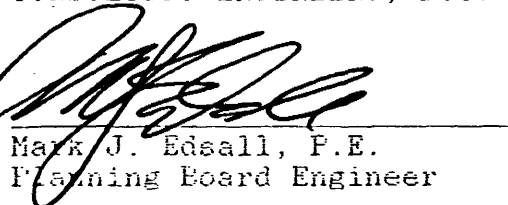
Please note that this letter will record that I do not
endorse your memorandum as a record of the discussions at the
work session. Further, as you were advised, our comments
indicated the position or opinion of those persons present at
the work session, not the position of the Planning Board.

The work sessions are provided to assist applicants in
preparation of complete applications, not to make decisions
or determinations for the Planning Board or Zoning Board,
only they can make such decisions or determinations.

It is recommended that you review each of your items of
concern with the Planning Board and Zoning Board during the
respective appearances to have the formal determination made.

Very truly yours,

McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS, P.C.



Mark J. Edsall, P.E.
Planning Board Engineer

cc: Mike Babcock, Bldg Insp
Bob Rodgers, Fire Insp
Town Planning Board
Town Zoning Board

**Drew A.
Kartiganer**

Architecture
Interior Design
Planning

MEMO: 22 MARCH, 1989

PROJECT: MARTINISI/ HUDSON VALLEY VETERINARY CLINIC

PRESENT: MICHAEL BABCOCK, NEW WINDSOR BUILDING INSPECTOR
MARK EDSALL, MCGOEY AND HAUSER, TOWN ENGINEERS
BOB ROGERS, FIRE INSPECTOR

SUBJECT: NEW WINDSOR PLANNING BOARD WORKSHOP OF 3/14

The following items were discussed and defined as items to be included in the New Windsor Planning Board of Appeals Submission:

1. It was defined by the Town Engineer and Town Building Inspector that the nature of this PROJECT is a CHANGE IN USE and that the PROJECT will have to conform with the requirements for VETERINARY KENNEL as the PRIMARY USE of the site. Due to this change in the use, the PROJECT will be required to go through new SITE PLAN APPROVAL before the PLANNING BOARD OF APPEALS and meet the approval and conformance requirements associated with same.
2. Bulk Use conformance requirements are to reflect VETERINARY KENNEL requirements as defined in the N.C. District. This is the PRIMARY USE of the site.
3. Some place on the drawing note that we are in a PO Zone and are requesting a USE VARIANCE to conform with VETERINARY KENNEL as per the NC Zone.
4. The following items should be include on the drawing for the submittal:
 - A. Specific Zoning District boundary location to be shown on the plot plan.
 - B. Contiguous property owner should be shown on the drawing (Survey Requirement).

- C. Two by Four approval space on the drawing.
 - D. Development coverage needs to be shown as per SITE PLAN APPROVAL requirements.
 - E. State on the drawing that the house is in water and sewer district.
 - F. Add the section lot and block number to the drawing.
5. The following items should be included as part of this submission:
- A. A proxy statement from Dr. Martinisi authorizing Drew A. Kartiganer to act on her behalf in this submission. It would also be recommended that we have a letter authorizing any one else who will be acting on Dr. Martinisi's behalf.
 - B. A copy of the deed will be required to confirm conformance with any deed restrictions existing on the site.
6. It was noted that at the completion of the Preliminary Planning Board of Appeals Review a recommendation will be made for approval or disapproval prior to the bumping of the PROJECT to the Zoning Board of Appeals.

Respectfully submitted,

Drew A. Kartiganer AIA

Drew A. Kartiganer, AIA
Project Architect

DAK/snh
memo3-14

cc: V.J. Martinisi, D.V.M.
Nancy Schneider, Esq.

Drew A. Kartiganer
Project Architect

INTER-OFFICE CORRESPONDENCE

TO: Town Planning Board

FROM: Town Fire Inspector

DATE: 1 May 1989

SUBJECT: Hudson Valley Veterinary Hospital


PLANNING BOARD REFERENCE NUMBER: PB-89-17

FIRE PREVENTION REFERENCE NUMBER: FPS-89-041

A review of the above referenced subject site plan/ sub-division was conducted on 1 May 1989.

This site plan is found acceptable.

PLAN DATED: 31 March 1989; Revision 3



Robert F. Rodgers; CCA
Fire Inspector

CC:M.E.

Planning Board
Town of New Windsor
555 Union Avenue
New Windsor, NY 12550

(This is a two-sided form)

Date Received _____
Meeting Date _____
Public Hearing _____
Action Date _____
Fees Paid _____

APPLICATION FOR SPECIAL PERMIT

1. Name of Project Hudson Valley Veterinary Hospital
2. Name of Applicant J. Martinisi, D.V.M. Phone (914) 561-2626
Address 432 Blooming Grove Turnpike/New Windsor, NY 12550
(Street No. & Name) (Post Office) (State) (Zip)
3. Owner of Record Karen E. Wells Phone _____
Address Frost Lane, Cornwall, New York 12518
(Street No. & Name) (Post Office) (State) (Zip)
4. Person Preparing Plan Drew A. Kartiganer, AIA Phone (914) 562-4499
Address 555 Blooming Grove Turnpike, Newburgh, New York 12550-7896
(Street No. & Name) (Post Office) (State) (Zip)
5. Attorney Ms. Nancy Schneider, Esq. Phone (914) 783-0933
Address 503 Rt. 208, Monroe, New York 10950
(Street No. & Name) (Post Office) (State) (Zip)
6. Person to be notified to represent applicant at Planning Board Meeting Drew A. Kartiganer, AIA Phone (914) 562-4499
(Name)
7. Location: On the East side of Blooming Grove Turnpike
(Street)
At North Corner
(Direction)
of Ceasar's Lane
(Street)
8. Acreage of Parcel 0.4470 9. Zoning District P.O.
10. Tax Map Designation: Section 47 Block 1 Lot 1
11. Describe proposed use in detail: _____

See attached letter dated 3/6/89
from Drew A. Kartiganer, Architect.

12. Other Property Information:

- a.) Is the proposed use in or adjacent to a Residential District? Yes/R.4
- b.) Is a pending sale or lease subject to Planning Board approval of this application? Yes
- c.) When was property purchased by present owner? October 13, 1987
- d.) Has property been subdivided previously? no When? _____
- e.) Has property been subject of special permit previously? no When? _____
- f.) Has an Order to Remedy Violation been issued against the property by the Zoning Inspector? no pending title search
- g.) Is there any outside storage at the property now or is any proposed? Describe in detail: Yes
Storage Shed

13. Attach a proposed plan showing the size and location of the Lot and location of all buildings and proposed facilities, including access drives, parking areas and all streets within 200 feet of the Lot. Plan should also comply with the Site Plan Checklist, as applicable.

AFFIDAVIT

Date: _____

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The Applicant further understands and agrees that the Planning Board may require you to periodically renew a Special Permit and withhold renewal upon a determination that prescribed conditions have not been or are no longer complied with.

Drew A. Kartigan
(Applicant)

DREW A. KARTIGAN

4/26/89

Sworn to before me this
26th day of April, 1989.
Katherine Ann Dewkett
(Notary)

KATHERINE ANN DEWKETT
Notary Public, State of New York
Qualified in Dutchess County
No. 4903420
Commission Expires August 24, 1989

PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

Karen Wells, deposes and says that he
resides at Frost Lane, Cornwall, New York 12518
(Owner's Address)

in the County of Orange

and State of New York

and that she is the owner in fee of 339 Blooming Grove Turnpike,
New Windsor, New York 12550

which is the premises described in the foregoing application and
that he has authorized Venera J. Martinisi
to make the foregoing application as described therein.

Date: 2/26/89

Karen L. Wells
(Owner's Signature)

Norm O'Heelhammer
(Witness' Signature)

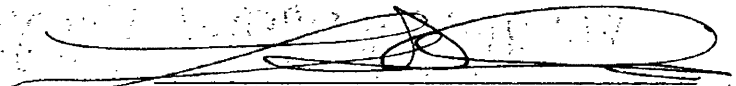
PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

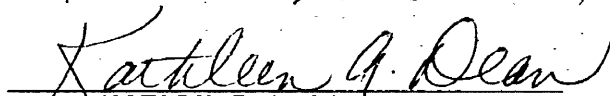
VENERA J. MARTINISI, deposes and says that she resides at P.O. Box 205, Mountainville, New York 10953, in the County of Orange and State of New York, and that she is the contract vendee of 339 Blooming Grove Turnpike, New Windsor, New York 12550, which is the premises described in the foregoing application and that she has authorized NANCY J. SCHNEIDER, ESQ., to act on her behalf on the foregoing application as described therein.

Date: 3/24/89


(Applicant Signature)


(Witness Signature)

Sworn to before me this
27th day of March 19889


NOTARY PUBLIC

KATHLEEN A. DEAN
Notary Public, State of New York
No. 4830612
Qualified in Orange County
Commission Expires March 30, 1990
OCTOBER 31, 1989

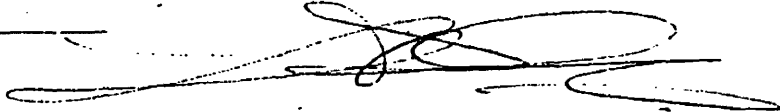
PROXY STATEMENT

for submittal to the

TOWN OF NEW WINDSOR PLANNING BOARD

VENERA J. MARTINISI, deposes and says that she resides at P.O. Box 205, Mountainville, New York 10953, in the County of Orange and State of New York, and that she is the contract vendee of 339 Blooming Grove Turnpike, New Windsor, New York 12550, which is the premises described in the foregoing application and that she has authorized DREW KARTIGANER, A.I.A., to act on her behalf on the foregoing application as described therein.

Date: _____



(Applicant Signature)

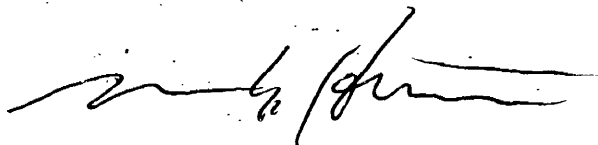


(Witness Signature)

4/26/89

Sworn to before me this
26th day of April

1989



SUSAN E. HORVATH 4-26-89

Katherine Ann Dewkett

NOTARY PUBLIC

KATHERINE ANN DEWKETT
Notary Public State of New York
Qualified in Dutchess County
No. 4903420
Commission Expires August 24, 1989

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR V.J. Martinisi, D.V.M.		2. PROJECT NAME Hudson Valley Veterinary Hospital	
3. PROJECT LOCATION: Municipality Town of New Windsor County Orange			
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 339 Blooming Grove Turnpike Location at the North New Windsor, New York East corner of the Intersection of Blooming Grove Turnpike and Ceasars Lane.			
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration			
6. DESCRIBE PROJECT BRIEFLY: To adapt the site for use as a VETERINARY HOSPITAL. Required for this function will be Approvals for use as a VETERINARY KENNEL & new SITE PLAN approval. Work will be limited to construction required for sound proofing for boarding of domestic animals, and site work required for Site Plan Approval.			
7. AMOUNT OF LAND AFFECTED: Initially 0.4470 acres Ultimately 0.4470 acres			
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly Variance relief required for operation of a veterinary kennel in a P.O. zone. In addition, relief from veterinary kennel requirements, Article 48.21.E shall be required. Finally, variance relief for new site plan approval is required due to existing site, lot, and building conditions.			
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Site is in a P.O. (Professional Office) Zone. R-4 Residential Use District at the rear of the property. N.C. District (Neighborhood Commercial) across Blooming Grove Turnpike.			
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals Variance relief from Zoning Board, Town of New Windsor, as described above.			
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency name and permit/approval Town of New Windsor Planning Board for Professional Office use.			
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE			
Applicant/sponsor name: Drew A. Kartiganer, AIA		Date: 30 March 1989	
Signature: <u>Drew A. Kartiganer AIA</u>			

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF. <input type="checkbox"/> Yes <input type="checkbox"/> No	
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other Impacts (including changes in use of either quantity or type of energy)? Explain briefly: D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly	

PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

- | | |
|---|--|
| 1. <u>X</u> Site Plan Title | 29. <u>X</u> Curbing Locations |
| 2. <u>X</u> Applicant's Name(s) | 30. <u>NA</u> Curbing Through Section |
| 3. <u>X</u> Applicant's Address(es) | 31. <u>NA</u> Catch Basin Locations |
| 4. <u>X</u> Site Plan Preparer's Name | 32. <u>NA</u> Catch Basin Through Section |
| 5. <u>X</u> Site Plan Preparer's Address | 33. <u>NA</u> Storm Drainage |
| 6. <u>X</u> Drawing Date | 34. <u>NA</u> Refuse Storage |
| 7. <u>X</u> Revision Dates | 35. <u>NA</u> Other Outdoor Storage |
| 8. <u>X</u> AREA MAP INSET | 36. <u>X</u> Water Supply |
| 9. <u>X</u> Site Designation | 37. <u>X</u> Sanitary Disposal Sys. |
| 10. <u>X</u> Properties Within 500 Feet of Site | 38. <u>NA</u> Fire Hydrants |
| 11. <u> </u> Property Owners (Item #10) | 39. <u>X</u> Building Locations |
| 12. <u>X</u> PLOT PLAN | 40. <u>X</u> Building Setbacks |
| 13. <u>X</u> Scale (1" = 50' or lesser) | 41. <u>NA</u> Front Building Elevations |
| 14. <u>X</u> Metes and Bounds | 42. <u>NA</u> Divisions of Occupancy |
| 15. <u>X</u> Zoning Designation | 43. <u>NA</u> Sign Details |
| 16. <u>X</u> North Arrow | 44. <u>X</u> BULK TABLE INSET |
| 17. <u>X</u> Abutting Property Owners | 45. <u>X</u> Property Area (Nearest 100 sq. ft.) |
| 18. <u>X</u> Existing Building Locations | 46. <u>X</u> Building Coverage (sq. ft.) |
| 19. <u>X</u> Existing Paved Areas | 47. <u>X</u> Building Coverage (% of Total Area) |
| 20. <u>X</u> Existing Vegetation | 48. <u>X</u> Pavement Coverage (Sq. Ft.) |
| 21. <u>X</u> Existing Access & Egress | 49. <u>X</u> Pavement Coverage (% of Total Area) |
| <u>PROPOSED IMPROVEMENTS</u> | |
| 22. <u>X</u> Landscaping | 50. <u>X</u> Open Space (Sq. Ft.) |
| 23. <u> </u> Exterior Lighting | 51. <u>X</u> Open Space (% of Total Area) |
| 24. <u> </u> Screening | 52. <u>X</u> No. of Parking Spaces Proposed. |
| 25. <u> </u> Access & Egress | 53. <u>X</u> No. of Parking Required. |
| 26. <u>X</u> Parking Areas | |
| 27. <u> </u> Loading Areas | |
| 28. <u>X</u> Paving Details (Items 25-27) | |

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGEMENT:

The Site Plan has been prepared in accordance with this checklist and the Town of New Windsor Ordinances, to the best of my knowledge.

By: Drew A. Kartiganer
Licensed Professional
Drew A. Kartiganer, AIA
Date: 4/3/11/89

BUILDING INSPECTOR, PLANNING BOARD ENGINEER, FIRE INSPECTOR,
D.O.T., O.C.H., O.C.P., D.P.W., ~~SEWER~~, SEWER, HIGHWAY, REVIEW
FORM:

The maps and plans for the Site Approval _____

Subdivision _____ as submitted by

Karliger for the building or subdivision of

Wells Prop. has been

reviewed by me and is approved ✓,

disapproved _____.

~~If disapproved, please list reason~~ _____

This property currently has a town water
service.

HIGHWAY SUPERINTENDENT

Steve D. Dido
WATER SUPERINTENDENT

SANITARY SUPERINTENDENT

DATE

CC:M.E.

GELLERT & CUTLER, P.C.
ATTORNEYS AND COUNSELORS AT LAW

JOSEPH H. GELLERT
SHELDON CUTLER
LEONARD KLEIN
ARTHUR L. GELLERT
STEPHEN E. EHLERS
PAUL J. GOLDSTEIN*
LILLIAN S. WEIGERT
CARL P. BARONE
STEPHEN E. DIAMOND**
RAINA E. MAISSEL*
DAVID R. WISE**
EMANUEL F. SARIS

54 MARKET STREET
POUGHKEEPSIE, NEW YORK 12601
(914) 454-3250
FAX: 914-454-4652

SOUTHERN DUTCHESS OFFICE
ROUTE 52 & ROETHAL DRIVE
RR2 BOX 271C
HOPEWELL JUNCTION, NEW YORK 12533
(914) 896-4500

PARALEGALS
JUDITH KASPER
DOROTHY ARRIERI
TERRY J. KLEIN
EMILY G. VOGEL

* ALSO ADMITTED IN FLORIDA
** ALSO ADMITTED IN FLORIDA & MASSACHUSETTS
* ALSO ADMITTED IN ENGLAND
** ALSO ADMITTED IN CONNECTICUT

March 27th, 1989

PLEASE REPLY TO: Poughkeepsie

Drew Kartiganer, Engineer
355 Blooming Grove Turnpike
Newburgh, NY 12550

Re: KAREN WELLS (RODNEY E. WELLS)
Premises: 339 Blooming Grove Turnpike
New Windsor, NY 12550
Our File #2722.0114

Dear Mr. Kartiganer:

Enclosed is a copy of the deed regarding the above
matter which I faxed to you on March 21st, 1989.

Very truly yours,

GELLERT & CUTLER, P.C.,

SHELDON CUTLER

SCccu
Encls.

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 13 day of October, nineteen hundred and 87

**BETWEEN ROGER G. PHILLIPS, an Sheriff of the County of Orange,
in the State of New York, having his offices at 40 Erie Street,
Goshen, Orange County, New York,**

party of the last post, and KAREN E. WELLS residing at 11 Front Lane, Cornwall, Orange County, New York.

party of the second part.

WITNESSETH, that the party of the first part, in consideration of

-----NO ACTUAL CONSIDERATION----- dollars.

lawful money of the United States,

by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or

overcome and assigns of the party of the second part forever, all right, title and interest of RODNEY L. WELLS, to

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,

lying and being heretofore as described in a certain deed dated June 20, 1985, between Dennis McCormick, as Referee and Rodney Wells, and recorded in the Orange County Clerk's Office on June 20, 1985, at Liber 2374 at page 77, conveying premises situate at 339 Blooming Grove Turnpike, Town of New Windsor, Orange County, New York, the following described premises:

ALL THAT PLOT, PIECE OR PARCEL OF LAND, with the buildings and improvements thereon erected, situate, lying and being on the south side of the Blooming Grove Turnpike in the Town of New Windsor, more particularly described as follows:

BEGINNING at a point in the intersection of the southerly line of Blooming Grove Turnpike with the easterly line of Casper's lane and runs thence from said point of beginning along the easterly line of Casper's lane South 16 degrees 46 feet East 34.00 feet to a point of bend in said line; thence South 49 degrees 28 feet East 221.59 feet to a point; thence North 81 degrees 57 feet East 11.45 feet to a point; thence North 8 degrees 08 feet West 200.00 feet to a point in the southerly line of Blooming Grove Turnpike; thence along said line South 81 degrees 52 feet West 162.9 feet to the point or place of **BEGINNING**.

THIS CONVEYANCE is made pursuant to the Order of the Hon. S. Barrett Hickman, Supreme Court Justice, dated September 10, 1987, and entered in the Orange County Clerk's Office on September 25th, 1987, Index No. 5485/85.

no 2815 is 159

Drew A.
Kartiganer

Architecture
Interior Design
Planning

March 31, 1989

Mr. Karl Schiefer
Chairman, New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

SUBJECT: Planning and Zoning Board Applications
Special Permit, Site Plan, and Variance
Approvals

PROJECT: Hudson Valley Veterinary Hospital to be
located at 339 Blooming Grove Turnpike,
New Windsor, New York.

Dear Sir,

The enclosed packet of information is an application for SPECIAL PERMIT and SITE PLAN approval to the New Windsor Planning Board of Appeals for the operation of a VETERINARY KENNEL at 339 Blooming Grove Turnpike, New Windsor. In addition, the nature and location of the site will require VARIANCE approval from the New Windsor Zoning Board of Appeals for a items more thoroughly described in this application.

As a point of information, the intended use of this site is as a VETERINARY HOSPITAL with the minimum of kennel facilities required for observation of the animals after treatment.

The required documentation and basis for this application is defined in the accompanying information, which includes the following:

1. Application for Special Permit - Notarized.
2. Short Environmental Assessment form.

555 Blooming Grove Tpk.
Newburgh, N.Y. 12550
914-562-4499

3. Proxy Statement from the current property owner, Ms. Karen Wells authorizing Dr. V. J. Martinisi to proceed with this submittal.
4. A Proxy statement from Dr. V.J. Martinisi to Drew A. Kartiganer, Architect to act on her behalf on these submittals.
5. A Proxy Statement from Dr. V.J. Martinisi to Nancy Schnieder, Esquire to act on her behalf in required submittals.
6. Submittal check list/ Site plan check list.
7. Letter from Drew A. Kartiganer, Architect, detailing the basis of the request and proposals.
8. Drawing S-1, 14 copies, dated 1/11/89, revised 3/6/89, and 3/30/89 prepared by Drew A. Kartiganer, Architect.
9. \$25.00 application fee to the New Windsor Planning Board of Appeals.
10. A copy of a memo dated 3/22/89 detailing required submittal information form New Windsor Planning Board workshop of 3/14/89.
11. A copy of the existing property deed.

It is my understanding of the process that approval by the Planning Board of Appeals for SPECIAL PERMIT and SITE PLAN APPROVAL will be contingent on prior VARIANCE RELIEF from the New Windsor Zoning Board of Appeals. Accordingly, I am requesting that this application be "bumped" to the Zoning Board in order to expedite the approval process. This request is due to the property being under a Purchase Contract in which the sale is contingent on these approvals.

If there are any questions, or you require additional clarification or information, please do not hesitate to contact me.

Sincerely yours,

 AIA

Drew A. Kartiganer, Architect
R.A., AIA

DAK/snh
ltrplb

cc/ Dr. V.J. Martinisi
Ms. Nancy Schneider, Esq.

Nancy J. Schneider
Attorney-at-Law

505 Route 208, Suite 24
Monroe, N.Y. 10950
Telephone (914) 783-0233 Main Office

March 22, 1989

Mr. Karl Shiefer
Chairman New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

Re: Hudson Valley Veterinary Hospital Planning and
Zoning Board Applications and Approvals

Dear Mr. Shiefer:

My client, Dr. Venera Martinisi, is planning to purchase property located at 339 Blooming Grove Turnpike, New Windsor, for the purpose of operating a Veterinary Hospital. This property is located in an area zoned for Professional Offices which is across both Route 94 and Caesars Lane from areas zoned Neighborhood-Commercial which contain busy commercial enterprises.

As you most likely already know from the conferences with and materials from Dr. Martinisi's architect, Drew Kartiganer, part of the medical, surgical and hospital care given by my client includes some overnight small animal boarding. It is my understanding that your Board has requested Dr. Martinisi to apply for a use variance for a Veterinary Kennel because of this overnight care. Although it is not my client's intent to use the facilities as a "Kennel" per se, it appears that the fact that sick or convalescing animals will be required to stay overnight at the hospital moves the hospital into a different zoning category, necessitating a use variance.

After perusal of the New Windsor Zoning Code it appears that if you are requiring Dr. Martinisi to apply for a kennel permit, you will also be requiring her to apply for an area variance in order to fit into the requirements for a kennel.

I have, therefore, premised this letter on both the use variance and the area variance aspects as they relate to my client's proposal. In actuality, however, I must reiterate that she will be running a Veterinary Hospital and not a Veterinary Kennel. From my client's perspective, a kennel would be a

CC: P.B. Members

different and separate business from her business of maintaining and running a Veterinary Hospital, with different facilities and different site standards.

A literal application of the zoning regulations will result in an unnecessary hardship for applicant. An absolutely necessary adjunct to Dr. Martinisi's veterinary practice is the ability to board the animals which have undergone surgery and/or must be kept for medical observation.

Since an integral portion of the applicant's veterinary practice is the surgical care and hospitalization of her clients' small animals, the lack of permission to board these animals will create a hardship so great as to not only make purchase of this property infeasible but also will prevent a reasonable return from the property should she purchase and then be denied the requisite approvals by your Boards. The present owner, Karen Wells, has had the property on the market for an extended period of time and is unable to gain any return under any permitted use due to her inability to sell the premises. To prevent Dr. Martinisi from purchasing by refusing the variances would also be imposing an unnecessary hardship upon Ms. Wells.

In actuality, the proposed use as a Veterinary Hospital will not be inconsistent with the basic character of the zone involved. Rather, since any boarding will be inside the premises, there will be no characteristic change in the external look and ambience of the building and property as it presently exists except for the fact that the property, which is presently unoccupied and in a state of incipient deterioration, will be cleaned up and improved by Dr. Martinisi. The premises have also been used as professional offices in the past including, amongst others, Real Estate and Medical Doctors.

It should also be noted that the veterinary kennel use is allowed in the N.C. zone directly across Blooming Grove Turnpike. Accessory use to a residence of boarding and keeping of domestic animals is allowed in the P.O. Zone and the abutting residential districts. Therefore, the essential character of the area will not be negatively altered and the change will not be obtrusive. In fact, it will be compatible with the existing land use pattern of this property as well as the surrounding area.

The opening of a veterinary practice on the proposed site will provide New Windsor with its only veterinary hospital and will be a source of much-needed services for area residents. The use of this property for such a purpose and the lack of alternate accessible locations at reasonable prices make this land uniquely suitable for the proposed use.

The premises which are the subject of this application meet bulk requirements for a Professional Office use. However, since the applicant for the proposed Veterinary Hospital is forced to apply for Veterinary Kennel status, the bulk requirements are

greater and the property does not meet either the setbacks or side yard requirements.

There are also no purposes whatsoever contemplated by the applicant which would require the bulk requirements as set forth in the Code for a kennel. Animals staying overnight while recuperating from surgery will be kept inside the premises. Since no exterior kennels or runs will be constructed and no need will exist for property beyond the needs of a professional office, an area variance will not injure the neighborhood nor change its character.

I respectfully submit these comments for inclusion in your discussions regarding this matter. I also emphasize that Dr. Martinisi's contract is subject to the appropriate approvals from your municipality which would enable her to operate a veterinary hospital.

Very truly yours,


Nancy J. Schneider

NJS:jh

cc: Members, New Windsor Planning Board
Dr. V.J. Martinisi
Drew Kartiganer, A.I.A.
Sheldon Cutler, Esq.

Drew A.
Kartiganer

Architecture
Interior Design
Planning

MEMO: 22 MARCH, 1989

PROJECT: MARTINISI/ HUDSON VALLEY VETERINARY CLINIC

PRESENT: MICHAEL BABCOCK, NEW WINDSOR BUILDING INSPECTOR
MARK EDSALL, MCGOEY AND HAUSER, TOWN ENGINEERS
BOB ROGERS, FIRE INSPECTOR

SUBJECT: NEW WINDSOR PLANNING BOARD WORKSHOP OF 3/14

The following items were discussed and defined as items to be included in the New Windsor Planning Board of Appeals Submission:

1. It was defined by the Town Engineer and Town Building Inspector that the nature of this PROJECT is a CHANGE IN USE and that the PROJECT will have to conform with the requirements for VETERINARY KENNEL as the PRIMARY USE of the site. Due to this change in the use, the PROJECT will be required to go through new SITE PLAN APPROVAL before the PLANNING BOARD OF APPEALS and meet the approval and conformance requirements associated with same.
2. Bulk Use conformance requirements are to reflect VETERINARY KENNEL requirements as defined in the N.C. District. This is the PRIMARY USE of the site.
3. Some place on the drawing note that we are in a PO Zone and are requesting a USE VARIANCE to conform with VETERINARY KENNEL as per the NC Zone.
4. The following items should be include on the drawing for the submittal:
 - A. Specific Zoning District boundary location to be shown on the plot plan.
 - B. Contiguous property owner should be shown on the drawing (Survey Requirement).

555 Blooming Grove Tpk.
Newburgh, N.Y. 12550
914-562-4499

- C. Two by Four approval space on the drawing.
 - D. Development coverage needs to be shown as per SITE PLAN APPROVAL requirements.
 - E. State on the drawing that the house is in water and sewer district.
 - F. Add the section lot and block number to the drawing.
5. The following items should be included as part of this submission:
- A. A proxy statement from Dr. Martinisi authorizing Drew A. Kartiganer to act on her behalf in this submission. It would also be recommended that we have a letter authorizing any one else who will be acting on Dr. Martinisi's behalf.
 - B. A copy of the deed will be required to confirm conformance with any deed restrictions existing on the site.
6. It was noted that at the completion of the Preliminary Planning Board of Appeals Review a recommendation will be made for approval or disapproval prior to the bumping of the PROJECT to the Zoning Board of Appeals.

Respectfully submitted,

Drew A. Kartiganer AIA

Drew A. Kartiganer, AIA
Project Architect

DAK/snh
memo3-14

cc: V.J. Martinisi, D.V.M.
Nancy Schneider, Esq.

Drew A.
Kartiganer

Architecture
Interior Design
Planning

March 31, 1989

Mr. Karl Schiefer
Chairman, New Windsor Planning Board
555 Union Avenue
New Windsor, New York 12550

SUBJECT: Planning and Zoning Board Applications
and Approvals

PROJECT: Hudson Valley Veterinary Hospital to be
located at 339 Blooming Grove Turnpike,
New Windsor, New York.

Dear Sir,

This letter details the zoning conditions and requirements necessary for the approvals of the HUDSON VALLEY VETERINARY HOSPITAL to be located at 339 Blooming Grove Turnpike. Included in this letter is a description of the VETERINARY HOSPITALS' proposed use, current zoning status, requested use and zoning status, and proposed conditions of use agreed to by the Owner, Dr. V.J. Martinisi.

PROPOSED USE:

The PROPOSED USE of the existing building and site at 339 Blooming Grove Turnpike is a a VETERINARY HOSPITAL. In order to operate this hospital, it has been determined that the site must conform to conditions of a VETERINARY KENNEL.

As a point of explanation, the major function of the Hudson Valley Veterinary Clinic shall be the operation of a Veterinary Hospital for treatment of domestic animals. The only basis for the keeping and boarding of a domestic animal overnight will be as required for their proper observation during treatment and recovery.

555 Blooming Grove Tpk.
Newburgh, N.Y. 12550
914-562-4499

Conformance requirements for this use are defined in the N.C., Neighborhood Commercial, district directly across the street. The site is in a P.O., Professional Office, district, and will require a USE VARIANCE for it's operation at the proposed location.

CURRENT ZONING STATUS:
(See drawing S-1)

The site is a triangular corner lot in the PROFESSIONAL OFFICE (P.O.) zone in the Town of New Windsor. The rear corner of the property abuts an RESIDENTIAL (R-4) zone. A NEIGHBORHOOD COMMERCIAL (N.C.) exists directly across Blooming Grove Turnpike.

The existing use and assessment of this property is for PROFESSIONAL OFFICE use.

The proposed PRIMARY USE of a VETERINARY KENNEL is NOT allowed in this district.

Approval of a VETERINARY KENNEL will require a USE VARIANCE from the Zoning Board of Appeals and a SPECIAL PERMIT from the Planning board of Appeals. A VETERINARY KENNEL will also require a VARIANCE from the Zoning Board of Appeals for certain requirements as defined in Zoning Article 49.21.E.

Due to the changing of the PRIMARY USE, the Project will also require new SITE PLAN APPROVAL from the Planning Board of Appeals. In order to receive SITE PLAN APPROVAL, specific requirements shall need VARIANCE RELIEF from the Zoning Board of Appeals.

It should be noted that the VETERINARY KENNEL USE is allowed in the N.C. Zone directly across Blooming Grove Turnpike, and the ACCESSORY USE to a residence of BOARDING AND KEEPING OF DOMESTIC ANIMALS is allowed in the P.O. Zone and the abutting residential districts.

REQUESTED USE AND ZONING STATUS:

The BOARDING AND KEEPING OF DOMESTIC ANIMALS, which is defined as a VETERINARY KENNEL, is a requirement for the proper operation of the VETERINARY HOSPITAL. Denial of this use is an extreme HARDSHIP which will result in the inability of Hudson Valley Veterinary to Operate.

Based upon this HARDSHIP, Dr. Martinisi, the Owner, is requesting VARIANCE RELIEF of the zoning ordinances from the Zoning Board of Appeals as necessary to grant approval for the operation of a VETERINARY KENNEL. In addition, due to the requirement of new SITE PLAN APPROVAL, the Project will require VARIANCE RELIEF due to existing site and building conditions as noted on the Drawing S.1.

The proposed VARIANCE RELIEF from the Zoning Board of Appeals includes:

1. A USE VARIANCE for the operation of a VETERINARY KENNEL in a P.O. Zone.
2. VARIANCE RELIEF from Zoning Article 48.21.E as required for the operation of a VETERINARY KENNEL. Specific reference is made to the LOT AREA, SET BACK, and restriction on the WEIGHT OF ANIMALS BOARDED with in this Article.
3. VARIANCE RELIEF from the Zoning Board of Appeals for LOT COVERAGE, SET BACK, and any other items as required for SITE PLAN APPROVAL from the Planning Board of Appeals.

Based upon the granting of this VARIANCE RELIEF, the Owner will then request SPECIAL PERMIT and SITE PLAN APPROVAL from the Planning Board of Appeals.

It has been proposed by the Owner that, as part of the required SITE PLAN, SPECIAL PERMIT and VARIANCE RELIEF APPROVALS, specific CONDITIONS OF USE, as listed below, shall be imposed on the operation of the VETERINARY KENNEL operations.

PROPOSED CONDITIONS OF USE:

The Owner agrees, as part of VARIANCE RELIEF and SPECIAL PERMIT applications, to the following CONDITIONS OF USE:

1. The sole purpose for the BOARDING OF ANIMALS shall be for their proper treatment and observation as patients to the VETERINARY HOSPITAL.
2. All animals would be boarded indoors for the length of their stay.
3. The maximum gross weight of animals boarded shall not exceed 325 pounds, and the maximum stay shall not exceed one week (7 days) per animal.

IT SHOULD BE NOTED:

that this maximum would be an extreme and unusual circumstance. Under normal conditions, if an animal requires boarding, the stay is one to two days. In addition, the typically greatest number of pets boarded is 3 or 4, which would conform to the limitations placed on household pets for a residential use.

4. Proposed conditions and changes to the existing building and site would include:

- A. There will be no outdoor animal runs for the Boarding of animals. All boarding of animals will take place indoors.
- B. There will be internal renovations to the building to reduce and limit noise.
- C. There will be disinfecting and deodorizing multiple times a day to minimize any animal odor.

This concludes the detailing of the particular requests from the Planning Board of Appeals of the Town of New Windsor.

In closing, I ask that, where ever possible, the procedure of these appeals be expedited due to the sale of this property being contingent on the above approvals.

Accordingly, if you have any questions or wish clarification of any of the above points, please do not hesitate to contact me.

Sincerely yours,



Drew A. Kartiganer, Architect
R.A., AIA

DAK/snh
MRTPLB2

cc/ Dr. V.J. Martinisi
Ms. Nancy Schneider, Esq.

